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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,730	10/01/1999	DENNIS A. KRAMER	60.130-569	8742

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EXAMINER

HAMDAN, WASSEEM H

ART UNIT	PAPER NUMBER
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2854

28

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/411,730

Applicant(s)

KRAMER, DENNIS A.

Examiner

Wasseem H Hamdan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5,7,8,10-14,16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5,7,8,10-14,16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Appeal

1. In view of the Board decision on March 31, 2004, prosecution is hereby re-opened.

Claim Objections

2. Claim 16 is objected to because of the following informalities: claim 16 recites depends from a cancelled claim 6. Appropriate correction is required.
3. Claim 16 recites the limitation "said step of wiring the receiver" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 10-13, 16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traub (US Patent 6,265,878 B1) in view of Butchko (US Patent 4,866,390).

Regarding claim 5, 10 and 13, Traub discloses a method of actuating electrical components of a vehicle for performing diagnostic analysis on the electrical components [FIG. 1; column 2, lines 18-33], said method comprising:

relaying a signal from a remote transmitter [10] to a receiver [20] aboard a vehicle;

actuating a plurality of electrical components on the vehicle [FIG. 1; column 2, lines 25-27; lines 53-57] in response to the signal from the remote transmitter [column 2, lines 46-58];

visually inspecting [10] the actuation of said plurality of electrical components from the location of said remote transmitter [10];

including the step of performing diagnostic analysis upon the plurality of electrical components on the vehicle while actuating the electrical components with the remote transmitter [FIG. 1; column 2, lines 25-27; lines 53-57];

said step of relaying a signal from the remote transmitter [10] is further defined by transmitting a radio frequency signal [11] from the remote transmitter to the vehicle receiver,

including the step of relaying the signal received by the vehicle receiver to an electronic control device located aboard the vehicle [column 4, lines 45-52].

Traub discloses the essential elements of the claimed invention except for directing the electronic components through an actuation cycle programmed into the electronic control device. Butchko discloses directing the electronic components through an actuation cycle programmed into the electronic control device [column 7, lines 26-36]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Traub by including directing the electronic components through an actuation cycle programmed into the electronic control device, since having to direct the electronic components through an actuation cycle programmed into the electronic control device would be beneficial for the purpose of testing all the components in sequence, so that non will be missed.

Regarding claim 11, Traub discloses programming the electronic control device is further defined by entering a temporary program into the electronic control device for actuating the plurality of electrical components [column 6, lines 7-13].

Regarding claim 12, Traub discloses wherein said steps of transmitting a signal, and performing diagnostic analysis are executed by a single operator [12; column 2, lines 28-29].

Regarding claim 16, Traub discloses the step of wiring the receiver to the plurality of electrical components is further defined by wiring the receiver [120] to a standard electronic data bus for by-passing the electronic control device and signaling the electrical components [FIG. 5; FIG. 7; column 6, lines 7-13] .

Regarding claim 19, Traub discloses the wherein said plurality of electrical components includes at least the brake and at least some lights [column 1, lines 7-8].

6. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Traub (US Patent 6,265,878 B1) in view of Butchko (US Patent 4,866,390) as applied to claim 5 above, and further in view of Doyle et al. (US Patent 5,850,188).

Regarding claims 7 and 14, Traub and Butchko together disclose the essential elements of the claimed invention except for keyless entry receiver. Doyle et al. discloses a self-diagnosing remote entry apparatus comprising a keyless entry receiver for receiving signals from a keyless entry transmitter unit. The receiving unit provides a diagnostics report pertaining to a key fob

[FIG. 1; column 2, lines 24-27; column 3, lines 46-67; column 5, lines 16-22]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to further modify Traub making the receiver have keyless entry features usable with a key fob, for the purpose of combining the receivers of Traub and Doyle et al. into a single device, thereby increasing the function of the receiver of Traub while minimizing the number of additional components.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Traub (US Patent 6,265,878 B1).

Regarding claim 18, Traub discloses an apparatus for performing diagnostic analysis upon electronic components of a vehicle, wherein said apparatus comprises:

a remote transmitter [10] for transmitting an actuation signal [column 2, lines 38-45] ;

a receiver [20] located aboard a vehicle for receiving the actuation signal from said remote transmitter and relaying an actuation signal to a plurality of electrical components to be actuated for diagnostic purposes to allow visual inspection of the actuation of said plurality of electrical components from the location of said remote transmitter column 2, lines 18-57];

said actuation signal actuates selected ones of said electrical components such that said

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signal requests particular ones of said plurality of electrical components to be actuated [column 2, lines 53-55]; and

said plurality of electrical components being actuated through an actuation cycle [column 6, lines 7-13].

Regarding claim 20, Traub discloses the wherein said plurality of electrical components includes at least the brake and at least some lights [column 1, lines 7-8].

Allowable Subject Matter

9. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


Regarding claim 8, the prior art of record does not teach all the combined steps for a method of actuating electrical components of a vehicle for performing diagnostic analysis on the electrical components, including the step of relaying the signal received by the keyless entry receiver to the electronic control device located aboard the vehicle.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Wasseem H. Hamdan

July 27, 2004


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